

## OFFICIAL COPY

Fresno, California

August 30, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
 Jon Ruiz, Assistant City Manager  
 Hilda Cantu Montoy, City Attorney  
 James Sanchez, Chief Assistant City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Pastor Barry Falke, New Harvest Church, gave the invocation, and Councilmember Perea led the Pledge of Allegiance.

**PROCLAMATION OF "FRESNO ASSOCIATION OF REALTORS DAY" COMMEMORATING THE CENTENNIAL ANNIVERSARY - COUNCILMEMBER CALHOUN**

Read and presented.

**RECOGNITION OF STARBUCKS FOR INCREASING "FUN" IN FRESNO - COUNCILMEMBER DUNCAN**

Recognized.

**COMMENDATION TO RECIPIENTS OF THE HISTORIC PRESERVATION PARTNERSHIP AWARD OF MERIT IN HOUSING AND COMMUNITY DEVELOPMENT - COUNCILMEMBER STERLING**

Commendations made.

**APPRECIATION AWARD TO PUBLIC WORKS EMPLOYEE MARY BAKER**

Rescheduled for September 20, 2005

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**APPROVE MINUTES OF AUGUST 23, 2005:**

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of August 23, 2005, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

**LOS ANGELES TIMES STORY BY REPORTER MARK ARAX ON COUNCIL SALARY INCREASE ISSUE - COUNCILMEMBER DUNCAN**

Councilmember Duncan advised he was quoted in the story and expressed his concern stating he was never interviewed by Mr. Arax and added he wrote to the executive editor of the LA Times on the inappropriateness of attributing quotes to individuals that were not made.

**146-48****8/30/05**

REQUEST CITY ATTORNEY LOOK INTO RESTRICTING ACCESS TO PSEUDOEPHEDRINE PRODUCTS AND IF FRESNO COUNTY'S EFFORTS ARE APPLICABLE TO THE CITY OF FRESNO - COUNCILMEMBER WESTERLUND

Request made.

REQUEST STAFF LOOK INTO BULLET-PROOF VESTS BEING PURCHASED TO ENSURE THEY ARE NOT THE MODELS THAT FAILED A DEPARTMENT OF DEFENSE TEST - COUNCILMEMBER WESTERLUND

Request made.

CALL FOR CROSSING GUARD VOLUNTEERS - COUNCILMEMBER WESTERLUND

Councilmember Westerlund encouraged all to volunteer as a school crossing guard noting Fresno had many busy streets. Councilmember Sterling later stated she would look into volunteering at a school in need in her district.

COMMENDATION TO MAYOR AUTRY AND STAFF FOR ON-GOING SAFETY EFFORTS/MEASURES AT ROEDING PARK - COUNCILMEMBER STERLING

Commendation made.

ACKNOWLEDGMENT OF ASSISTANT CITY ATTORNEY MIKE SLATER'S NEAR END OF CITY EMPLOYMENT AND "THANK YOU" EXTENDED FOR HIS PROFESSIONALISM AND SERVICE - PRESIDENT DAGES

Acknowledgment/thanks extended with Mr. Slater responding.

COMMENDATIONS TO (1) PUBLIC WORKS STAFF FOR INSTALLATION OF SIDEWALKS ON PEACH AVENUE BETWEEN FLORENCE AND THE RAILROAD TRACKS, AND (2) COUNCILMEMBER DUNCAN FOR PROVIDING STARBUCKS COFFEE - PRESIDENT DAGES

Commendations made.

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### **APPROVE AGENDA:**

**(3-A)** DISCUSSION AND DIRECTION TO STAFF TO RETURN WITH OPTIONS TO INCLUDE THE PROCESS AND CRITERIA FOR PLACING A MORATORIUM OR SUSPENDED APPLICATION PROCESS ON NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENT UNTIL THE SEVERELY OUTDATED DEVELOPMENT IMPACT FEES HAVE BEEN UPDATED TO ENSURE THAT ORDERLY AND RESPONSIBLE GROWTH OCCURS IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN

At the request of Councilmember Calhoun and by Council consensus the above matter to be heard after the 2:30 p.m. hearing, if necessary.

**(10:30 A.M.)** HEARING ON REZONE APPLICATION NO. R-04-104 AND ENVIRONMENTAL FINDINGS, FILED BY CLIFFORD TUTELIAN ON BEHALF OF PARK PLACE HOLDINGS, SOUTHWEST CORNER OF N. PALM AND W. NEES AVENUES

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-104/C-04-318
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM AE-20/UGM TO C-P/UGM

Councilmember Calhoun stated there were still a few outstanding issues to deal with including access to the river bottom, stated he also wanted to present the matter to the Conservancy Board, and upon his request and with Council consensus the hearing was continued to September 20, 2005, at 3:30 p.m.

**(10:45 A.M.)** HEARING TO CONSIDER DESIGNATING THE W. D. COATES HOME AT 264 N. VAN NESS AVENUE, AND BLACK'S PACKAGE COMPANY (GOTTSCHALK'S SERVICE CENTER) AT 755 VAN NESS AVENUE, TO THE LOCAL REGISTER OF HISTORIC RESOURCES

1. RESOLUTION - DESIGNATING THE W. D. COATES HOME
2. RESOLUTION - DESIGNATING THE BLACK'S PACKAGE COMPANY BUILDING

146-49

8/30/05

Councilmember Sterling stated complete due diligence and a historic survey had not been done by staff or the owners and requested the hearing be continued 30 days to do what was necessary. Planning & Development Director Yovino and Historic Preservation Manager Hattersly-Drayton responded to questions of Councilmember Calhoun relative to whether the Coates Home was also being continued, why due diligence had not been done, if the matter was ready for action this date, and if there were any problems with the Coates Home. By Council consensus the hearing was continued to October 4, 2005, with the time subsequently set for 10:30 a.m.

**(3-B) RECOGNITION OF THE CITY COUNCILMEMBERS POSITION BECOMING FULL-TIME AND ADJUST BASE COMPENSATION FOR FUTURE MEMBERS AND MAYOR TO ACCOUNT FOR COST OF LIVING CHANGES - COUNCILMEMBER DUNCAN**

Councilmember Duncan stated the above title had been changed from what he submitted and he did not appreciate someone taking the initiative of changing the title without letting him know, and added that should not happen again.

**(1-F) RESOLUTION - INTENT TO ESTABLISH A SPECIAL TAX DISTRICT (CFD NO. 14 - RUNNING HORSE) AND TO AUTHORIZE LEVY OF A SPECIAL TAX**

Councilmember Westerlund noted the material was submitted late and questioned if this was a time sensitive matter and why the material was submitted late, with Assistant Public Works Director Kim responding. The item was subsequently pulled from the consent calendar for discussion.

**(10:35 A.M. #1) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 98, FINAL TRACT MAP NO. 5261 (Continue to September 20, 2005, at 10:35 a.m.)**

Continued as noted.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**ADOPT CONSENT CALENDAR:**

President Dages advised any item Council pulls from the Consent Calendar would be laid over to September 20<sup>th</sup> due to the full agenda this date and only time-sensitive matters would be heard under "Contested Consent" at 2:00 p.m.

Barbara Hunt, 2475 S. Walnut, stated there were many important issues on the Consent Calendar which the public is unaware of and Council needed to discuss and act upon them separately, and spoke in general to various items **(2 - 0)**

Councilmember Boyajian pulled Items **1-A** and **1-C** from the Consent Calendar for discussion and registered a "NO" vote on Items **1-K** and **1-S**. Councilmember Calhoun pulled Items **1-M**, **1-O** and **1-T**, and Councilmember Westerlund pulled Item **1-F**. Councilmember Calhoun stated he did not mean to pull Item **1-O**, placed it back on the Consent Calendar, and later brought the issue back for reconsideration wherein it was pulled from Consent and laid over to September 20th.

City Clerk Klisch clarified Items **1-C**, **1-F** and **1-T** were time sensitive and would be heard at 2:00 p.m., and the other items would be laid over to September 20, 2005 under Contested Consent. (\*Note - In the afternoon session Councilmember Calhoun advised Item **1-M** was also time sensitive and the matter was acted upon.)

**(1-A) RESOLUTION - APPROVING A FREEWAY AGREEMENT WITH CALTRANS FOR FREEWAY 180 FROM CHESTNUT AVENUE TO WEST OF TEMPERANCE, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY**

146-50

8/30/05

**(1-O)** APPROVE AN INCREASE TO THE LOAN AMOUNT OF THE HOME BUYER ASSISTANCE PROGRAM TO A MAXIMUM OF \$50,000

Items **1-A** and **1-O** laid over to Contested Consent on September 20, 2005.

**(1-B)** ADOPT RESOLUTION OF INTENTION NO. 1044-D SETTING A PUBLIC HEARING FOR SEPTEMBER 20, 2005, AT 10:15 A.M. ON THE VACATION OF A PORTION OF N. BRYAN WEST OF BARSTOW AVENUE

**(1-D) RESOLUTION NO. 2005-362** - DECLARING THE OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR NECESSARY IMPROVEMENTS AT THE CONVENTION CENTER

**(1-E)** APPROVE CONTRACT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR UTILITY RELOCATION ON FREEWAY 180 EAST

**(1-G)** EXTEND AN INTERIM REQUIREMENTS CONTRACT TO ALLSTAR FIRE EQUIPMENT, INC. FOR STRUCTURAL FIREFIGHTING PROTECTIVE GARMENTS (TURNOUTS)

**(1-H)** REMOVED FROM THE AGENDA

**(1-I)** APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE INFORMATION SERVICES DIVISION (ISD) AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) TO PERMIT THE INSTALLATION OF AN ANTENNA FOR THE POLICE DEPARTMENT'S WIRELESS MOBILE NETWORK AND THE RELOCATION OF THE POLICE AND FIRE DEPARTMENT'S VOICE COMMUNICATIONS RECEIVERS FROM THE CONTROL TOWER AT FRESNO YOSEMITE INTERNATIONAL AIRPORT TO A TALLER EXISTING RADIO TOWER OWNED BY THE FMFCD AT 5469 E. OLIVE AVENUE

**(1-J)** APPROVE A MULTI-YEAR AGREEMENT BETWEEN THE CITY AND THE COUNTY OF FRESNO TO GRANT TO EACH OTHER NO-FEE AND REVOCABLE RIGHTS TO USE EACH OTHERS COMMUNICATIONS SITES TO ENHANCE INTERAGENCY VOICE AND DATA COMMUNICATIONS AND EMERGENCY DISPATCH

**(1-L)** APPROVE AMENDMENT NO. 2 TO THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT WITH SIERRA GATEWAY SENIOR RESIDENCE, TOGETHER WITH SUCH MODIFICATIONS AS COUNCIL MAY AUTHORIZE ON THE DATE OF THE HEARING FOR THIS MATTER, TO PROVIDE AN ADDITIONAL \$500,000 IN HOME PROGRAM FUNDS FOR THE PROJECT, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

**(1-N) RESOLUTION NO. 2005-364** - APPROVING THE FINAL MAP OF TRACT NO. 4598 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHEAST CORNER OF E. BUTLER AND S. ARMSTRONG AVENUES

**1. RESOLUTION NO. 2005-365** - 16<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$140,000 FOR THE SUBDIVIDER'S INITIAL DEPOSIT FOR RIGHTS-OF-WAY ACQUISITION ALONG S. ARMSTRONG AVENUE

**2.** AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY STORM DRAINAGE FACILITIES, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPING AND MAINTAINING AN OFF-SITE OPEN SPACE FACILITY, AND THE AGREEMENT TO ADVANCE CONSIDERATION OF FINAL MAP FOR TRACT 4598

**3.** AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR PLANTING AND MAINTAINING FRONT YARD TREES, AND THE STATEMENT OF COVENANTS ACKNOWLEDGING RIGHT-TO-FARM LAW

**4.** AUTHORIZING THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING CERTAIN FIRE PROTECTION TO BE PROVIDED AND MAINTAINED

**(1-P)** ADOPT THE PROPOSED SPENDING PLAN FOR FISCAL YEAR 2005-2006 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)

**1. RESOLUTION NO. 2005-366** - 11<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$275,300 AND REALLOCATING \$402,100 FROM CONTINGENCY TO MEET EXPENSES ASSOCIATED WITH THE POLICE DEPARTMENT'S SUPPLEMENTAL

## LAW ENFORCEMENT SERVICES FUND (SLESF)

146-51

8/30/05

**(1-Q)** AUTHORIZE APPLICATION FOR AND ACCEPTANCE OF REBATE FUNDS IN THE CALIFORNIA PUBLIC UTILITIES COMMISSION AGRICULTURAL PUMPING EFFICIENCY REBATE PROGRAM TO REPLACE AGED AND INEFFICIENT WATER WELL PUMPS AND/OR MOTORS; AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES OR DESIGNEE TO ENTER INTO THIS REBATE PROGRAM ON BEHALF OF THE CITY

**(1-R)** APPROVE A FIVE-YEAR AGREEMENT WITH KELLING, NORTHCROSS & NOBRIGA, INC. FOR FINANCIAL ADVISORY SERVICES TO ASSIST THE CITY IN EVALUATING AND COORDINATING BOND FINANCING STRATEGIES

**(1-U) BILL NO. B-91** - INTRODUCTION OF BILL AMENDING THE FMC REPEALING DIVISION 4 AND RE-ENACTING DIVISION 4 OF ARTICLE 1/CHAPTER 13 RELATING TO BUILDING REGULATIONS (ELECTRICAL)

**(1-V) BILL NO. B-90 - ORDINANCE NO. 2005-93** - AMENDING THE FMC RELATING TO THE STORAGE OF SAFE AND SANE FIREWORKS

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-K)** AWARD A CONTRACT TO SCOTT AIRCRAFT, INC. IN THE AMOUNT OF \$167,508.327 FOR THE PURCHASE OF ONE (1) USED SIX PASSENGER AIRPLANE WITH REMAINING FUNDS OF \$54,292 TO BE USED TO PURCHASE POLICE RADIO, SURVEILLANCE AND RELATED AIRCRAFT EQUIPMENT

**1. RESOLUTION NO. 2005-363** - 18<sup>TH</sup> AMENDMENT TO AAR 2005-286 TO REBUDGET \$221,800 FROM THE HOMELAND SECURITY GRANT PROJECT FOR A FIXED WING AIRCRAFT

**(1-S)** APPROVE THE REAPPOINTMENT OF NAT DiBUDUO TO THE PLANNING COMMISSION - MAYOR AUTRY

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** items **1-K** and **1-S** hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian  
 Absent : None

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**(9:00 A.M.) PUBLIC COMMENT/UNSCHEDULED COMMUNICATION:** *(Reopened again later in the meeting)*

APPEARANCE BY BARBARA HUNT REGARDING (1) FRESNO COUNTY'S OBLIGATION WITH THE STATE OF CALIFORNIA TO PROVIDE HOUSING, AND (2) SOUTHWEST FRESNO DIRECTIONAL/BOUNDARY ISSUES/CONCERNS

Appearance made.

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**(1-O)** At this point (as noted earlier under "Consent Calendar") Councilmember Calhoun requested action taken on the Consent Calendar, specifically Item **1-O**, be reconsidered stating he did mean to pull the item for discussion and the following action was taken.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the earlier vote reconsidered and Item **1-O** removed from the Consent Calendar and laid over to Contested Consent on September 20, 2005, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None

Absent : None

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**146-52**

**8/30/05**

**(2-A) QUARTERLY REPORT ON THE PROGRESS OF THE WEST FRESNO WORKGROUP ON IMPLEMENTING THE RECOMMENDATIONS OF THE WEST FRESNO COMMUNITY VISION PLAN - COUNCILMEMBER STERLING**

Councilmember Sterling gave a status report, all as contained in her memorandum to Council as submitted. No action was required and there was no discussion.

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**(3-B) RECOGNITION OF THE CITY COUNCILMEMBERS POSITION BECOMING FULL-TIME AND ADJUST BASE COMPENSATION FOR FUTURE MEMBERS AND MAYOR TO ACCOUNT FOR COST OF LIVING CHANGES - COUNCILMEMBER DUNCAN**

Councilmember Duncan noted Councilmembers Boyajian and Calhoun have consistently brought this matter forward and recognized their efforts, stated those efforts got him thinking and he realized that things have really changed in the city of Fresno, and gave an extensive overview of the issue, all as contained in his report to Council as submitted, and advised he was recommending Council's salary be increased to \$60,000 a year and the Mayor's to \$125,000.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, and Marina Magdaleno, representing Operating Engineers/blue collar employees, who stated she supported an increase but requested the same mind-set be used when dealing with salaries for city employees as they had families and also worked long, hard hours.

Councilmember Duncan clarified the increase would apply to future council members and mayor unless current members are re-elected, and made a motion to increase the City Council salary to \$60,000 and the Mayor's to \$125,000, which motion was seconded by Councilmember Sterling. Councilmember Calhoun spoke in support of the issue and elaborated. Upon question of President Dages City Attorney Montoy clarified she would return with the enabling ordinance, if approved, and confirmed the increase would become effective in 2007. Councilmember Boyajian also spoke in support and elaborated. Councilmember Duncan reiterated his motion and added "*with the recognition that the positions are full-time*". Councilmember Calhoun expressed his concern with the added language stating he did not want to prohibit anyone from having another job, whereupon Ms. Montoy stated she would work on the language and Councilmember Duncan withdrew the language from his motion stating it was never his intent to prohibit anyone from having another job.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, an increase in the City Council salary to \$60,000 a year and the Mayor's to \$125,000 a year hereby approved (with the city attorney to return with the enabling ordinance), by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling  
 Noes : Perea, Westerlund, Dages  
 Absent : None

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**RECESS - 10:00 A.M. - 10:10 A.M.**

**(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-05-14 AND ENVIRONMENTAL FINDINGS, FILED BY JEFFREY T. ROBERTS ON BEHALF OF GRANVILLE HOMES, PROPERTY LOCATED ON THE NORTHEASTERLY SIDE OF "H" STREET BETWEEN AMADOR AND SACRAMENTO STREETS**

**1. CONSIDER AND ADOPT E.A. NO. R-05-14, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR NO. 10130**

**2. BILL NO. B-92 - ORDINANCE NO. 2005-94 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM M -1 TO C-4**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Salinas reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Applicant Jeff Roberts who stated he was in support of staff's recommendation; Barbara Hunt, 2475 S. Walnut, who spoke in support; and Ted (last name inaudible), Travelers Body & Fender, who stated he was concerned with the affect this rezoning might have on his adjacent business in the future **(3 - 0)**, with Mr. Roberts responding.

Upon call, no one else wished to be heard and President Dages closed the hearing.

**146-53**

**8/30/05**

Mr. Roberts responded to questions of Councilmember Perea relative to whether there would be residential use on "H" Street and number of residential units planned. Councilmember Perea pointed out this was a completely privately financed project with an old building being used for housing and was exactly what needed to occur downtown, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Sterling. Councilmember Boyajian presented questions relative to alley use, if Travelers was going to encounter any problems, timetable for this project and the Vagabond project, number of units for each project, and what Traveler's concerns were, with Mr. Roberts and the Traveler's representative responding. Councilmember Boyajian stated he hoped Travelers could be a partner and benefit with this project and recommended Travelers talk with planning staff. Councilmember Sterling commended Granville Homes and Travelers for their investment in downtown and pursuing the city's idea of mixed use and offered her assistance in any way possible.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-14, dated July 28, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-92 adopted as Ordinance No. 2005-94, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:10 A.M.) HEARING ON REZONE APPLICATION NO. R-05-16 AND ENVIRONMENTAL FINDING, JOSE AND ERLINDA JAMILI, PROPERTY LOCATED ON THE SOUTH SIDE OF E. FILMORE AVENUE SOUTH OF E. TULARE BETWEEN S. CHESTNUT AND S. WINERY AVENUES**

**1. CONSIDER AND ADOPT E.A. NO. R-05-16, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR NO. 10130**

**2. BILL NO. B-93 - ORDINANCE NO. 2005-95 - AMENDING THE OFFICIAL ZONE MAP TO REZONE 0.72 ACRE FROM R-3 AND 0.34 ACRE FROM R-A TO R-2**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

President Dages advised he spoke with the applicants and he was very happy about this project and made a motion to approve staff's recommendation.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-16 dated July 28, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-93 rezoning 0.72 acre from R-3 to R-2 and 0.34 acre from R-A to R-2 adopted as Ordinance No. 2005-95, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**RECESS - 10:29 A.M. - 10:35 A.M.**

Upon the request of Councilmember Calhoun, President Dages reopened "Public Comment/Unscheduled Communication".

**PUBLIC COMMENT/UNSCHEDULED COMMUNICATION:**

Councilmember Calhoun advised after gathering information he would be scheduling for discussion on an upcoming agenda the issue of changes to the Fulton Mall stating the thinking was that the mall was going to benefit dramatically when the stadium was built and that had not happened.

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**146-54**

**8/30/05**

**(10:30 A.M. #2)** CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 102, FINAL TRACT MAP NO. 5458

**1. RESOLUTION NO. 2005-367** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

**2. RESOLUTION NO. 2005-368** - CALLING A SPECIAL MAILED-BALLOT ELECTION

**3. RESOLUTION NO. 2005-369** - DECLARING ELECTION RESULTS

**4. BILL NO. B-94 - ORDINANCE NO. 2005-96** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Engineering Services Manager Witzel gave an overview of the issue as contained in the staff report as submitted.

Speaking in support were: Jeff Roberts, Granville Homes, and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-367, 2005-368 and 2005-369 hereby adopted, and the above entitled Bill No. B-94 adopted as Ordinance No. 2005-96, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:30 A.M. #3)** CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 103, FINAL TRACT MAP NO. 5248

**1. RESOLUTION NO. 2005-370** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

**2. RESOLUTION NO. 2005-371** - CALLING A SPECIAL MAILED-BALLOT ELECTION

**3. RESOLUTION NO. 2005-372** - DECLARING ELECTION RESULTS

**4. BILL NO. B-95 - ORDINANCE NO. 2005-97** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Engineering Services Manager Witzel gave an overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to maintenance issues.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-370, 2005-371 and 2005-372 hereby adopted, and the above entitled Bill No. B-95 adopted as Ordinance No. 2005-97, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:30 A.M. #4)** CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 100, FINAL TRACT MAP NO. 5235

**1. RESOLUTION NO. 2005-373** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

**2. RESOLUTION NO. 2005-374** - CALLING A SPECIAL MAILED-BALLOT ELECTION

**3. RESOLUTION NO. 2005-375** - DECLARING ELECTION RESULTS



**4. BILL NO. B-96 - ORDINANCE NO. 2005-98 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS**

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Engineering Services Manager Witzel gave an overview of the issue as contained in the staff report as submitted.

**146-55**

**8/30/05**

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-373, 2005-374 and 2005-375 hereby adopted, and the above entitled Bill No. B-96 adopted as Ordinance No. 2005-98, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:30 A.M. #5) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 101, FINAL TRACT MAP NO. 5325**

**1. RESOLUTION NO. 2005-376 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**2. RESOLUTION NO. 2005-377 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2005-378 - DECLARING ELECTION RESULTS**

**4. BILL NO. B-97 - ORDINANCE NO. 2005-99 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS**

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Engineering Services Manager Witzel gave an overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun stated he wanted the public to know the city was never going to fall behind again as all these CFDs had a 3% inflation factor built in to keep up with the cost of providing the service and was tied to the bay area's cost index.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-376, 2005-377 and 2005-378 hereby adopted, and the above entitled Bill No. B-97 adopted as Ordinance No. 2005-99, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**RECESS - 10:46 A.M. - 11:00 A.M.**

**(11:00 A.M.) AWARD A CONTRACT FOR THE LAST, BEST AND FINAL PROPOSAL FROM MV TRANSPORTATION , INC., OF FAIRFIELD, CA, FOR DEMAND RESPONSE PARATRANSIT (HANDY RIDE) SERVICES**

**1. AUTHORIZE THE DIRECTOR OF TRANSPORTATION/FRESNO AREA EXPRESS TO NEGOTIATE AN INTERIM CONTRACT FOR DEMAND RESPONSE PARATRANSIT SERVICES WITH LAIDLAW TRANSIT SERVICES, INC.**

General Services Director Nerland reviewed the issue and recommendation for MV Transportation, all as contained in the staff report as submitted, and Ellen Moy, Transportation Planning Consultant and Principal with Moy and Associates, representing the Proposal Selection Committee, explained the review process and reasons why the committee selected MV Transportation.

Speaking to the issue were: Doug Thompson, Laidlaw Transit Services, who spoke to Laidlaw's 10 years of experience in serving the city and stated Laidlaw best fulfilled all the requirements within the RFP process; Susan Smith, support for Laidlaw/concerns with MV Transportation; Brent Bethell, support for Laidlaw/opposed to staff's recommendation for MV Transportation; Carol Casey, who expressed concerns with the long wait for rides and spoke to the need to improve the service; Charuraine Day, support for Laidlaw and spoke to challenges faced by drivers and the company; Jon Munson, Chief Executive Officer of MV Transportation, Fairfield, CA, who spoke to his

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company's qualifications, experience and service to other cities in the state (**4 - 0**); Barbara Hunt, 2475 S. Walnut, who urged Council to support the riders; Rick Steitz, President, Amalgamated Transit Union (ATU), opposed to privatization/support award to FAX; Mike Briggs, consultant for Laidlaw/support for Laidlaw; Butch Helton, support for FAX; and Gloria Torrez, who expressed concerns with the contract being awarded to either Laidlaw and FAX and explained.

Extensive discussion ensued. President Dages stated he was extremely disappointed, noted there was a system currently in place that was not broken and it was being fixed due to federal regulations, and elaborated on the city of Merced's problems with MV Transportation and expressed his concern that this information was not included in the staff report. Councilmember Calhoun stated his concerns dealt with the direction of Handyride including the huge expenditure/cost for the service and the dramatic increase in cost with no cost controls and elaborated. Councilmember Boyajian stated he disagreed with President Dages, spoke in support of MV Transportation and advised he spoke with the city of Visalia who was very satisfied with MV's service, stated there had been a lot of complaints about Laidlaw, and presented questions at length relative to what the situation was with Merced and MV, MV's contract with Visalia, how MV will be able to save the city of Fresno money compared to the other proposers, MV's strong service quality, the city's (FAX's) proposal and reasons for the cost increase in the Last/Best/Final proposal, if the committee looked into the Merced issue, and if the committee was satisfied with MV's quality of service, with Mr. Munson, Transportation Director Rudd and Ms. Moy responding throughout.

Councilmember Sterling stated she also received a lot of information on both sides and commented on various issues and concerns at length including other cities' problems with MV, lack of review and information in the staff report, feeling that staff/the consultant did not do complete due diligence/did not check references (**5 - 0**), and concern that finances were put first. Councilmember Sterling stated she could not see how staff's recommendation could even be considered and made a motion to set aside all the bids, continue the service with Laidlaw for an extended, unlimited interim period until research is conducted by a consultant to determine what needs to be done to improve the service, and then issue an RFP. President Dages seconded the motion to hear from the city attorney whereupon City Attorney Montoy stated she would be very concerned with setting the RFP process aside after it had been continued for so long and after the city had to obtain special permission from the federal government to continue the interim agreement, added federal dollars were at issue and at risk if delays continued, and recommended Council make a decision noting the committee found that all bidders were qualified. President Dages withdrew his second and Councilmember Sterling then made a motion to award the contract to Laidlaw, which motion did not receive a second.

Lengthy discussion continued. Mr. Munson and Mr. Rudd responded to questions of Councilmember Duncan relative to MV's qualifications/experience/number of cities they serve, if staff was confident MV could provide quality service, and where the additional funds would come from if Laidlaw were selected. Councilmember Duncan stated a fair and appropriate process was conducted, awarding the contract to highest bidder would raise red flags for the government, and he supported MV and made a motion to approve staff's recommendation. Councilmember Westerlund seconded the motion, thanked Laidlaw, the committee and the consultant for their services, and stated he was convinced the committee did their due diligence. City Manager Souza also thanked the committee and stated all concerns expressed would be laid out and addressed and added staff would improve their reporting process. Mr. Rudd and Mr. Souza responded to additional questions/comments of President Dages relative to the bid amount, how much the federal and state governments pay, cost for Laidlaw's 5-year contract, reason(s) for the difference between FAX's and MV's proposals, and clarification was made by President Dages that there was a Mutual Termination of Service Agreement with MV. Councilmember Calhoun stated his concern was not with the contract, stated there was a desire and need to expand the FAX system but staff says the city can't afford to expand yet it can afford single pick-up service to the tune of \$3.1 million a year, stressed this program/service was too expensive and the city could not afford to take one-half of the federal and state dollars and put them into a Cadillac program, noted FAX buses have lift ramps and stated they should be serving most of the people, emphasized only those very handicapped or out of the way handicapped people should be served by Handyride, and stated he would oppose this on principal or until staff convinces him of the need. Councilmember Duncan stated the issue of what level of service the Handyride program should provide was legitimate discussion and debate and one he hoped Council could have at a later time but stated he hoped Councilmember Calhoun would change his position and support awarding the contract to keep the program moving forward and economical. Councilmember Calhoun noted this was a multi-year contract with Ms. Montoy and Mr. Rudd clarifying the RFP provided for numbers, the contract would be based on ridership, and if Council were to make a future policy decision to change the level of service as recommended by Councilmember Duncan the contract number would go down,

whereupon Councilmember Calhoun stated his support. Upon question of President Dages Ms. Montoy stated future policy changes would not require re-negotiating with MV.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, a contract for the Last, Best and Final proposal for Demand Responsive Paratransit Services hereby awarded to MV Transportation, Inc., of Fairfield, CA, and the Director of the Department of Transportation/FAX authorized to negotiate an interim contract for Demand Responsive Paratransit Services with Laidlaw Transit Services, Inc., by the following vote:

**146-57**

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Ayes : Boyajian, Calhoun, Duncan, Westerlund  
 Noes : Perea, Sterling, Dages  
 Absent : None

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**LUNCH RECESS - 12:45 P.M. - 2:00 P.M.**

**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: CALTRANS V. COF (FANCHER CREEK)**

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matter and reconvened in regular open session at 2:07 p.m.

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**(2:00 P.M.) CONTESTED CONSENT CALENDAR (TIME SENSITIVE MATTERS):**

Councilmember Calhoun advised Item **1-M** was time sensitive and the matter was subsequently heard and acted upon.

**(1-C) AWARD A CONTRACT TO BOWEN ENGINEERING AND ENVIRONMENTAL FOR BUILDING DEMOLITION AT 800 AND 808 "M" STREET**

Upon question of Councilmember Boyajian, Design Services Manager Andersen stated this was the Ophelia building whereupon Councilmember Boyajian stated he hated to see the buildings demolished and deprive the city of income, added it was not yet known what was going to happen with the land, and stated he would oppose the demolition. Councilmember Duncan stated the usefulness of the building as a business office had expired, the land needed to be cleared and ready to go if interest is shown to develop on the property whether it be a hotel or some other facility, and made a motion to approve staff's recommendation. City Manager Souza responded to questions of Councilmember Westerlund relative to status of the property, the overriding project and responses to the RFP, what the plans were for the property in the foreseeable future since no decision has been made on the RFP, and if the property would be kept as dirt. Councilmember Westerlund seconded the motion.

Discussion ensued with Councilmembers Calhoun and Boyajian, President Dages, and Councilmembers Westerlund and Sterling commenting and/or presenting questions relative to whether there was a market for someone needing to rent for one year, the building being a valuable resource worth over \$1 million, if staff tried to rent the property or attempted to see if anyone was interested in renting **(6 - 0)**, if the building was in need of repair, if five votes would be needed to bond for a hotel, concern that Council may not support hotel financing in the future and multi-million buildings will have been demolished, there being people interested in renting on a month-to-month basis, how long the buildings have been vacant, if there was something on the table that may occur within six months that Council is not privy to, why this was being rushed, and why renting on a month-to-month basis was not being considered, with Mr. Andersen and Mr. Souza responding.

A motion of Councilmember Duncan, seconded by Councilmember Westerlund, to award the contract as recommended failed, by the following vote:

Ayes : Duncan, Sterling, Westerlund

Noes : Boyajian, Calhoun, Perea, Dages  
 Absent : None

**(1-F) RESOLUTION NO. 2005-379 - INTENT TO ESTABLISH A SPECIAL TAX DISTRICT (COMMUNITY FACILITIES DISTRICT (CFD) NO. 14) AND TO AUTHORIZE LEVY OF A SPECIAL TAX (RUNNING HORSE PROJECT)**

Assistant Pubic Works Director Kirn responded briefly to comments/questions of Councilmember Westerlund relative Council usually dealing with CFD No.2, if CFD No. 14 was a new CFD, and if there were any concerns.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-379 hereby adopted, by the following vote:

**146-58**

**8/30/05**

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-M) RESOLUTION NO. 2005-380 - APPROVING THE FINAL MAP OF TRACT NO. 5395 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED BETWEEN N. BRYAN AND W. GRANTLAND AVENUES AND BETWEEN W. BULLARD AND W. BARSTOW AVENUES**

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE STORM DRAINAGE FACILITIES, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE TURNAROUND FACILITIES
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS
3. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING CERTAIN FIRE PROTECTION TO BE PROVIDED AND MAINTAINED
4. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

Councilmember Calhoun noted the cost per lot was not included in the staff report and questioned if he was correct in his understating that it was included in the appropriate documents, with Supervising Engineering Technician Sommerville confirming it was included in the covenant and added staff would start including the amount in the staff reports.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-380 hereby adopted, and the Public Works Director, Public Utilities Director, Fire Chief and Planning & Development Director authorized to execute the necessary documents outlined above, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-T) BILL NO. B-98 - AMENDING THE FMC REPEALING AND ADDING ARTICLE 4 TO CHAPTER 9 RELATING TO SOLID WASTE DISPOSAL, RECYCLING AND GREEN WASTE COLLECTION AND DISPOSAL, AND AMENDING SECTION 1-603(k) RELATING TO COST AND PENALTY RECOVERY**

Councilmember Calhoun complimented staff for their work, stated he was in a hurry to reach the 50% diversion goal and questioned why staff was not presenting details, why only some changes were being presented, how soon the rest would be coming forth, constant complaints on those with containers in view and options for them/how they will be dealt with, and if the fee issue would be coming back at a later date, with Interim Public Utilities Director Weimiller responding. Councilmember Calhoun made a motion to introduce the ordinance bill.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who questioned who was in charge of washing containers; Sherry Alexander, 8132 N. Backer, support for the ordinance; and Eric Wardwell, San Pablo Avenue, who spoke to the need to enforce/fine those who leave their containers out in the street.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-98 introduced before the City Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(2:30 P.M.)** CONTINUED HEARING TO CONSIDER AMENDING THE MASTER FEE SCHEDULE (RES. 80-420) TO INCREASE THE POLICE, FIRE AND PARK IMPACT FEES

**1. RESOLUTION NO. 2005-381** - EXPRESSING THE CITY'S INTENT TO ADOPT A PARKLAND DEDICATION ORDINANCE UNDER THE SUBDIVISION MAP ACT AND A CITYWIDE PARK FACILITIES FEE, BOTH BASED ON A STANDARD OF 3.0 ACRES OF PARKLAND PER THOUSAND RESIDENTS

**2. RECEIVE REPORT ON PROPOSED POLICE AND FIRE IMPACT FEES**

**3. SCHEDULE NECESSARY HEARINGS FOR ADOPTION OF THE POLICE, FIRE AND PARK IMPACT FEES AND QUIMBY ACT FEE FOR SEPTEMBER 20, 2005**

President Dages announced the time had arrived to consider the issue and opened the hearing. Public Works Director Healey gave a brief overview of the issue, and Robert Spencer, Muni Financial, Oakland, CA, reviewed the police, fire and park impact fees and the Quimby Act fee, all as contained in the staff report as submitted.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, opposed to the fees; Jose Luis Barraza, 4243 E. Thomas, representing various organizations who work under the Fresno Housing Alliance Coalition, who spoke to the need for decent, accessible, affordable housing; Jonathan Richter, 400 W. Audubon, Chair of the Downtown Association Economic Development Committee, who spoke to downtown housing and expressed concern with a flat per unit fee and requested Council consider adopting a fee based on square footage; and Mike Prandini, CEO, Building Industry Association of the San Joaquin Valley, who stated they were not opposed to the fee but had concerns with lack of a plan for the funds and the short notice, all as contained in his letter submitted into the record, a copy of which is on file in the office of the city clerk.

Upon call, no one else wished to be heard and President Dages closed the hearing.

**(7 - 0)** Upon question of President Dages Mr. Healey stated staff looked at a square footage approach but used the per acre or per household approach which was used by most of the cities staff compared Fresno to, and Assistant City Manager Ruiz and City Attorney Montoy clarified at issue was strictly a notice of intent on the parks which would not be binding on the city and staff was planning to come back on September 20<sup>th</sup> with the police and fire fees which did not require a notice of intent.

Lengthy discussion ensued. Mr. Healey and Mr. Ruiz responded to questions/comments of Councilmember Duncan relative to whether staff considered this action/direction as doing away with the outdated UGM system, if this park fee would generate \$110 million in the next 20 years, need for a master plan on how to spend the money, and when a plan would be brought forth. A motion and second was made to approve staff's recommendation. Councilmember Calhoun spoke in support stating this was the right thing to do, a major step in the right direction, and a fairness issue to provide the community with the amenities they deserve. Councilmember Perea stated he had a concern with the lack of a plan and was having a hard time visualizing what was going to happen, and presented questions/comments relative to how parks would be developed in the inner-city when they were not designated in the general plan, what the plan was to purchase new park land in the inner-city, and concern/fear that all the parks will be built around the peripheral, with Mr. Healey, Mr. Ruiz and Mr. Spencer responding. Councilmember Boyajian stated this was long overdue and commented at length on various issues including need for fees to pay for development (linkage, Caltrans), why Fresno was not compared to cities like San Jose or Sacramento, cost for development in the downtown and redevelopment areas, and his hope that Council members will look at the needs and not make the funds a political game, with Mr. Spencer responding throughout. Planning & Development Director Yovino responded to questions of Councilmember Sterling relative to development assisted by the various housing firms and programs and if applying fees would be considered on a case by case basis. Councilmember Westerlund agreed a plan was needed and also an understanding of how inner-city

needs would be addressed but stated he would support the matter this date even though only one component was being presented and clarified he wanted to see the entire package, with Mr. Ruiz stating he would on September 20th.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-381 hereby adopted, the report on proposed police and fire impact fees received, and a hearing to consider adoption of the police, fire and park impact fees and Quimby Act Fee scheduled for September 20, 2005, at 4:00 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed its meeting at 3:53 p.m. and convened in joint session with the Redevelopment Agency at 3:54 p.m.

**146-60**

**8/30/05**

**APPROVE AGENCY MINUTES OF AUGUST 16, 2005**

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of August 16, 2005, approved as submitted **(8 - 0)**.

**("A") APPROVE THE RELOCATION PLAN FOR THE HOPE VI PROJECT AT THE SOUTHWEST CORNER OF CALIFORNIA AND WALNUT AVENUES (Joint action)**

Councilmember Sterling advised her family owned property in the Hope VI area and recused herself and left the meeting at 3:55 p.m.

Barbara Hunt, 2475 S. Walnut, spoke to the Hope VI grant and in opposition to the project, and spoke to the following Items "B" and "C".

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried. RESOLVED, the Relocation Plan for the Hope VI Project hereby approved so occupants can relocate and receive relocation assistance as described by the California Government Code and California Code of Regulations, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Westerlund, Boyajian
Noes	:	None
Absent	:	None
Recused:	:	Sterling

Councilmember Sterling returned to the meeting at 4:00 p.m.

**("B") JOINT RESOLUTION NO. 2005-382/1664 - AUTHORIZING THE EXECUTIVE DIRECTOR AND CITY MANAGER TO EXECUTE THE SUB-GRANT AGREEMENT BETWEEN THE CITY, GRANTEE, AND THE REDEVELOPMENT AGENCY DESIGNATING THE AGENCY AS THE SUB-GRANTEE OF THE HUD ECONOMIC DEVELOPMENT INITIATIVE SPECIAL PROJECT GRANT FOR REDEVELOPMENT OF THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA (Joint action)**

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2005-382/1664 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes	:	None
Absent	:	None

**("C") APPROVE AN ASSIGNMENT AGREEMENT, SUBORDINATION AGREEMENT, AND PLEDGE AGREEMENT CONCERNING THE SALE OF THE GRIZZLIES FRANCHISE FROM THE FRESNO DIAMOND GROUP, LLC, TO THE FRESNO BASEBALL CLUB, LLC (Joint action)**

Councilmember Perea made a motion to approve staff's recommendation, which motion was seconded by Councilmember Duncan.

Discussion ensued. Chair Boyajian and Councilmember Sterling spoke in support, thanked and welcomed the Fresno Baseball Club (FBC), thanked staff, and Councilmember Sterling urged the FBC to become active members of the Downtown Association. President Dages advised he would not be supporting the sale as he had a problem with the FBC's financial documents being confidential and not knowing if they were financially able to make the lease payments, and added his other concern was that this had been going on for months and Council was not privy to it. Councilmember Duncan stated this was a good moment for the city of Fresno and a time to celebrate, thanked the Fresno Diamond Group for all their hard work, and stated the FBC would take the Grizzlies to the next level and thanked them for their investment. City Manager Souza responded to President Dages' concerns and clarified this process started a few months ago, stated staff had to assert that the new ownership had the strength of investment, the working capital, and a legitimate business plan to make this work and had to make sure the FBC's security pledge for the lease agreement was as strong or stronger than what was in the original agreement to ensure the city was protected, clarified there was no malice, and thanked the FBC for their willingness to work with the city. Councilmember Westerlund stated his original concern was how viable the FBC was and after review he was comfortable with going forth, and presented questions relative to the process staff undertook in reviewing documents including who reviewed financial documents and if the Orrick attorneys issued an opinion letter, with Mr. Souza and Assistant City Attorney Hale responding. Councilmember Westerlund welcomed the FBC and wished them much success.

**146-61**

**8/30/05**

Mr. Hale responded briefly to questions of Chair Boyajian relative to whether the Pacific Coast League and/or Major League Baseball looked at the credit worthiness of the FBC and if the Council/Agency Board had a right to look at the FBC's financial documents.

Chris Cummings, General Partner and President of the FBC, spoke to his involvement in business ventures and baseball organizations, stated Fresno was a place he wanted to stake his future, and stated he was thrilled to be part of this venture and could hardly wait to work with the city and prove he will be able to fulfill the desires of the city.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, an Assignment Agreement, Subordination Agreement, and Pledge Agreement concerning the sale of the Grizzlies franchise from the Fresno Diamond Group to the Fresno Baseball Club, LLC, hereby approved, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes :	Dages
Absent :	None

**RECESS - 4:26 P.M. - 4:30 P.M.**

**(4:40 p.m. "A") DISCUSSION AND DIRECTION REGARDING SALE OF PROPERTY WITHIN THE SOUTH FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT AREA - 2316 E. ANNADALE AVENUE**

**1. APPROVE AND AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT FOR THE GREGOR BOAT COMPANY PROPERTY AT 2316 E. ANNADALE AVENUE**

**2. JOINT RESOLUTION NO. 2005-383/1665 - APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND SCELZI ENTERPRISES, INC., FOR THE SALE OF THE GREGOR BOAT COMPANY PROPERTY TO SCELZI ENTERPRISES, INC., AND MAKING CERTAIN FINDINGS (Joint action)**

Councilmember Sterling and Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and stated this was an excellent project that would help two businesses achieve their plans, provide good-paying jobs with benefits and tax revenue, and thanked the companies for staying in Fresno. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns with Council/RDA conflict of interest issues.

Councilmember Calhoun stated this appeared to be a very good proposal and upon his question City Attorney Montoy stated expert counsel assisted the city on this project, all details required by California Redevelopment Law were met, and she was comfortable with the proposal. Councilmember Westerlund thanked Gregor Boat Company and Scelzi Enterprises for providing needed jobs and for their commitment to Fresno and commended everyone else that was involved.

Mr. Scelzi, Scelzi Enterprises, Inc., stated his goal was to become a nation-wide company in the next five years, advised the jobs

he provides are not minimum wage jobs and his company was now the fourth largest in the nation and tied to Ford Motor Co. **(9 - 0)**, and stated he wanted to keep his plant here and expressed his thanks to the City and Redevelopment Agency for all they did.

Chair Boyajian commended Ms. Murphey and staff for keeping a great employer here.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, Environmental Assessment No. EA-RDA-03-05 and the finding of a Negative Declaration hereby adopted; a Purchase and Sales Agreement for the Gregor Boat Company property between the property owners and the Agency containing a purchase price of \$1,850,000 and other terms of sale, and any minor modifications that the Executive Director may approve and that the city attorney approves as to form hereby approved; the Executive Director authorized to execute the Agreement and take such other actions and execute such other documents including, without limitation, deed acceptances, supplemental escrow instructions, and instruments that may be necessary to finalize or carry out the intent and purpose of this Agency Board action, subject to approval as to form by the city attorney's office; and the above entitled Joint Council/Agency Resolution No. 2005-383/1665 hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes :	None
Absent :	None

**(4:30 p.m. "B")** CONTINUED HEARING ON THE CONVENTION CENTER REDEVELOPMENT PLAN

**146-62**

**8/30/05**

1. FINDING THAT THE PROPOSED PLAN AMENDMENTS, AS REFLECTED BY THE AMENDED PLAN, CONFORM TO THE FRESNO GENERAL PLAN AND ADOPTING THE ENVIRONMENTAL FINDING OF CONFORMITY/MEIR NO. 10130 PREPARED FOR THE GENERAL PLAN FOR E.A. NO. RDA 2005-1 **(Joint action)**
2. FINDING THAT THE CONVENTION CENTER REDEVELOPMENT PLAN, AS PROPOSED TO BE AMENDED, IS CONSISTENT WITH THE GENERAL PLAN, INCLUDING BUT NOT LIMITED TO, THE HOUSING ELEMENT OF THE GENERAL PLAN **(Joint action)**
3. BILL - AMENDING THE REDEVELOPMENT PLAN FOR THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA **(Council action)**

Chair Boyajian announced the time had arrived to consider the issue and opened the hearing.

Agency Project Manager Morgan reviewed the issue, all as contained in the staff report as submitted, and recommended approval, and Agency Director Murphey spoke to the issue of eminent domain and stated this action was intended to put that important tool in place and was consistent with Agency policy for the planning areas.

Speaking to the issue were: Paula Mickalian, Heritage Fresno, who stated the Council/Agency should not be discussing this matter as the area had not been reviewed by the Historic Preservation Commission and a historical survey had not been completed and elaborated; Harry Mickalian, speaking as a concerned citizen, who questioned how many success stories the Agency has had and suggested accomplishments be made available on the internet; Sara Halvorsen, representing a law firm at 929 "L" between Tulare and Kern, who questioned if there were plans they should be aware of and if they had to do anything, with Chair Boyajian recommending she speak with staff; and Doug Vagim who incorporated a letter from Jeanette Jurkovich into his statements, a copy of which was included as part of the staff report, and spoke to the historical resources that would be affected and issues relative to blight and validation actions.

Upon call, no one else wished to be heard and Chair Boyajian closed the public hearing.

City Attorney Montoy clarified the public hearing was held and officially closed, noted written objections were received by the Redevelopment Agency and advised under Redevelopment Law the joint bodies could not make a decision until staff provides written findings and responses to the written objections, and upon her recommendation deliberations and action was continued to September 20, 2005.

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The joint meeting was adjourned at 5:01 p.m. and the City Council reconvened in regular session.

**(5:00 P.M.)** HEARING ON REZONE APPLICATION NO. R-04-79 AND ENVIRONMENTAL FINDINGS, FILED BY EDWARD AND JANIS DONAGHY, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. HERNDON AVENUE AND N. FRESNO



## STREET

**1. CONSIDER AND ADOPT E.A. NO. R-04-79/C-04-213/S-05-55, FINDING OF CONFORMITY TO MEIR NO. 10130 FOR THE GENERAL PLAN**

**2. BILL NO. B-99 - ORDINANCE NO. 2005-100 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SOUTHERN 5.55 ACRES FROM R-P/cz AND THE SOUTHEASTERLY 0.19 ACRE FROM R-1 TO C-P/EA/cz. IN ADDITION, THE SUBJECT APPLICATION PROPOSES TO AMEND THE CONDITIONS OF ZONING**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted and displaying a site plan to illustrate, and recommended approval.

Speaking to the issue were: Al Solis, Sol Development Associates, representing the applicants, who expanded further on the project and conditions, advised of contacts made with area residents, and requested Council's support; Kristi Johnson, 528 E. Magill, opposed to rezoning the southern 1/3 of the property; and Norma Alvarado, 516 E. Magill, opposed, who also submitted a petition signed by eighteen property owners in opposition, on file in the office of the city clerk.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Duncan stated this action would bring the property into conformance with the 2025 General Plan, spoke further to project and stated he was pleased with the way the process had gone, presented questions relative to the revised plan for placement of trash cans, the site plan review process, and if the applicant would be willing to work with the neighborhood on the site plan (with Mr. Solis responding), and stated this was a good project and made a motion to approve staff's recommendation.

**146-63**

**8/30/05**

Mr. Rodriguez responded to questions and comments of Councilmember Boyajian relative to whether two hotels and 175,000 square feet of other space was going to be constructed on the property, if there was a limit on the square footage and if it was now increasing, where the access points would be, parking issues, if retail and office space was being looked at **(10 - 0)**, this project boot-strapping on the general plan EIR, the traffic study conducted and if there would be a burden on streets, if the traffic study determined current infrastructure was adequate for this major project, how close the hotels would be to major residential, and if staff felt this project was consistent with other uses along Herndon Avenue.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-79/C-04-213/S-05-55, dated April 27, 2005, that the project proposal conforms to the provisions of the General Plan MEIR No. 10139 hereby approved, and the above entitled Bill No. B-99 rezoning the southern 5.55 acres from R-P/cz and the southeasterly 0.19 acres from R-1 to C-P/EA/cz adopted as Ordinance No. 2005-100, and, in addition, the subject application proposes to amend the conditions of zoning, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

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**(3-A) DISCUSSION AND DIRECTION TO STAFF TO RETURN WITH OPTIONS TO INCLUDE THE PROCESS AND CRITERIA FOR PLACING A MORATORIUM OR SUSPENDED APPLICATION PROCESS ON NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENT UNTIL THE SEVERELY OUTDATED DEVELOPMENT IMPACT FEES HAVE BEEN UPDATED TO ENSURE THAT ORDERLY AND RESPONSIBLE GROWTH OCCURS IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN**

Councilmember Calhoun withdrew the item from the agenda due to action taken at the 2:30 P.M. hearing.

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:38 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

**Approved** on the 20th day of September, 2005.

/s/

Mike Dages, Council President

ATTEST: 

/s/

Yolanda Salazar, Assistant City Clerk